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MAR 15 2021

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES

V.

TROY MCCOTTRELL

CASE #

4:18CR1006-MTS

EMERGENCY MOTION TO APPOINT  
NEW COUNSEL

NOW COMES, TROY MCCOTTRELL, pro-se, here in after  
defendant, files this MOTION to address the INEFFECTIVE  
ASSISTANCE OF COUNSEL by ATTORNEY PATRICK KILGORE, that  
has CREATED A COMPLETE BREAKDOWN IN COMMUNICATION AND  
STALLED THE ADVOCATORY PROCESS AS GUARANTEED IN THE  
SIXTH AMENDMENT OF THE CONSTITUTION.

IN THE CASE AT BAR, DEFENDANT IS SCHEDULED FOR JURY TRIAL  
ON 4/12/21, ATTORNEY KILGORE, HAS FAILED TO COMMUNICATE

With the defendant, Attorney Kilgore refuses to accept calls, respond to correspondence or family attempting to communicate messages.

Attorney Kilgore has failed to investigate defendant's claims of innocence, refused to interview witnesses and negated to have drugs tested for chemical compound comparisons analysis.

More disturbingly, Attorney Kilgore, refusal to commit any meaningful laborious actions toward constructing a defensive strategy for jury trial on 4/12/21, are a manifestation of injustice.

Defendant has been incarcerated for over 28 months without any meaningful progress in this case. Subsequently Attorney Kilgore was appointed through the court

ATTORNEY KILGORE'S PERFORMANCE FALLS BELOW THE OBJECTIVE STANDARDS.

TO PROVE INEFFECTIVE ASSISTANCE OF COUNSEL, A MOVANT MUST

SHOW THAT HIS ATTORNEY'S PERFORMANCE WAS OBJECTIVELY UNREASONABLE

AND THAT HE WAS PREJUDICED AS A RESULT STRICKLAND V. WASHINGTON

466 US 668, 687 (1984) TO ESTABLISH PREJUDICE, THE MOVANT MUST

SHOW "A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S

UNPROFESSIONAL ERRORS THE RESULT OF THE PROCEEDINGS WOULD

HAVE BEEN DIFFERENT" Id. AT 694 THE STANDARD IS HIGHLY

DEFERENTIAL Id. AT 689.

IN THE CASE AT BAR, DEFENDANT HAS NO MEANS TO COMMUNICATE WITH

COUNSEL. COUNSEL DOES NOT ANSWER CALLS FROM COUNTY JAIL.

COUNSEL DOES NOT RESPOND TO CORRESPONDENCES. COUNSEL RARELY

RESPONDS TO CALLS FROM FAMILY MEMBERS.

## CONCLUSION

DEFENDANT RESPECTFULLY ARGES THE COURT TO SCHEDULE A HEARING TO PROVIDE ATTORNEY KILGORE AN OPPORTUNITY TO EXPLAIN HIS INEFFECTIVENESS AND WHY CLIENTS DO NOT HAVE AN ADEQUATE MANNER TO COMMUNICATE WITH HIM.

DATE: 3/11/21

Respectfully Submitted  
Troy McCottrill  
TROY MCCOTTRILL

## CERTIFICATE OF SERVICE

I, TROY MCCOTTRILL, CERTIFY THAT A TRUE AND CORRECT

COPY OF THE ENCLOSED EMERGENCY MOTION TO APPOINT COUNSEL HAS BEEN FORWARDED TO: U.S. ATTORNEY'S OFFICE

111 S. 10<sup>TH</sup> STREET, 20<sup>TH</sup> FLOOR. \*333

ST. LOUIS, MO. 63102

DATE 3/11/21

Troy McCottrill  
TROY MCCOTTRILL

TROY MCCOTTRE II #70401  
#5 Basler dr.

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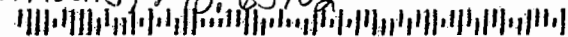
U.S. District Court

ATTN: CLERK of Court

111 South 10th st.

St. Louis, Mo. 63102

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